
Judiciary Committee

HB 1296

Title: An act relating to jurisdiction for antiharassment protection orders.

Brief Description: Granting the municipal courts jurisdiction for antiharassment protection orders.

Sponsors: Representatives Lovick, Flannigan, Williams, Priest and Serben.

| Brief Summary of Bill |
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| <ul style="list-style-type: none">• Grants municipal courts jurisdiction over actions for civil antiharassment protection orders.• Specifies the municipalities in which the action for an antiharassment protection order may be brought. |

Hearing Date: 2/1/05

Staff: Erik Van Hagen (786-5793).

Background:

A victim of unlawful harassment (the petitioner) may obtain a civil antiharassment protection order if the petitioner fears violence or suffers substantial emotional distress from an unrelated person (the respondent) because the petitioner has been seriously alarmed, annoyed, or harassed by the respondent through conduct that serves no legitimate or lawful purpose. Antiharassment protection orders are separate and distinct from domestic violence protection orders, restraining orders, and domestic violence no-contact orders.

The petitioner may request that a district court grant an antiharassment protection order against the respondent. If the court finds by a preponderance of the evidence that unlawful harassment exists, it must grant an order to the petitioner that prohibits the respondent from engaging in the harassment. A knowing violation of an antiharassment protection order is a gross misdemeanor.

There are three types of trial courts in Washington: superior courts, district courts, and municipal courts. Each has differing levels of jurisdiction over the subject matter they have the authority to hear. The attached chart contains a full description of trial courts and their jurisdiction.

District courts have jurisdiction to grant antiharassment protection orders, and superior courts have concurrent jurisdiction when a case is transferred from a district court. A transfer to superior

court is required when the respondent is under eighteen years of age. In addition, the district court may transfer an action for an antiharassment protection order to a superior court when a district court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. Municipal courts lack statutory jurisdiction over actions for antiharassment protection orders.

Summary of Bill:

Municipal courts may opt to exercise jurisdiction over actions for antiharassment protection orders. A municipal court may adopt procedures to hear such protection orders through a local court rule. The municipal court must transfer the case to superior court when the respondent is under age eighteen. The action may be brought in the municipality where the harassment occurred, where any respondent resides, or where a respondent may be served if it is the same county or judicial district where a respondent resides.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.